XIIIA

REPORT

OF THE

CALCUTTA COURT OF SMALL CAUSES

FOR THE YEAR 1885.

Calcutta:
BENGAL SECRETARIAT PRESS
1886.

No. 15.

FROM

THE JUDGES OF THE COURT OF SMALL CAUSES OF CALCUTTA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL,

JUDICIAL DEPARTMENT.

Dated Calcutta, the 20th February 1886.

SIR,

WE have the honour to forward, for submission to His Honour the Lieutenant-Governor, the report and returns of the business of the Court during the year 1885.

2. A copy of our Annual Report and returns to the High Court is annexed, and from this certain statistics connected with the working of the Court will also be ascertained.

3. The returns now sent are complete, with the exception of two items in column 2 of Judicial Form No. 2. Next year these will be filled up.

4. There is a slight falling off of 430 suits—a difference which is further explained in paragraph 2 of our Report to the High Court. The proportionate decrease is larger in the suits of higher values.

5. The number of claim suits instituted under section 278 of the Code of Civil Procedure have again increased to 510 as against 485 last year.

6. With reference to our remarks in paragraph 6 of last year's report, the detail of the miscellaneous work done by the Court will appear in High Court Return, Annual Statement No. 4, Miscellaneous Cases. The classification of miscellaneous cases is taken as far as possible from a circular order of the High Court, and comprise the following:—

UNDER THE CODE OF CIVIL PROCEDURE.

Applications under sections 99, 103 or 108.
Claims and objections under sections 278 and 487.
Euquiries or applications under section 258.
Commissions for the examination of witnesses under section 386.

UNDER ACT XV OF 1882.

Presidency Small Cause Courts.

Applications for new trial under section 37.
Suits for recovery of possession under Chapter VII.
Applications or claims to distrained property under sections 60 and 61.
Applications to sue *in formâ pauperis* under section 74.

GENERAL.

Cases under the Legal Practitioners Act, 1879.
Cases under the Land Acquisition Act.
Any other case in respect of which jurisdiction is given to the Court by any particular Act.

The return will show the amount of work comprised in these miscellaneous cases, many of which have all the attributes of, and take as long to try as,

regular suits. We have always had occasion to remark that miscellaneous cases are frequently contested, and this is now proved by the return. Out of 33,666 regular suits down for disposal, 5,205 (or about one-sixth) were disposed of after contest; while out of 1,603 miscellanous cases, no less than 771 (or about one-half) were so disposed of. These remarks are not intended to include the proportion of contested suits to those instituted—a return which can never be ascertained quite correctly.

7. "Other applications" in Judicial Form No. 2 include not only the miscellanous cases set out above (except claim suits under section 278 of the Code of Civil Procedure, and ejectment suits under Chapter VII of Act XV of 1882), but also all applications made in open Court, either before the institution of a suit or after decree.

8. Attention must be drawn to the discrepancy between the number of suits set down as instituted in column 3 of Judicial Form No. 1 and column 2 of Judicial Form No. 3, for the former shows 31,002, and the latter 30,644. The latter figures are correct, the former showing not only suits instituted, but also those revived. This is one of the results of our having to furnish double sets of returns. If reference is made to the High Court Return, Annual Statement 4, Civil Suits, it will be seen that column 7 is for revived suits, which again have to be accounted for when disposed of in the subsequent columns, so that it would not be possible to keep both returns correct unless a separate register were kept for disposal of revived suits.

9. The number of distraint applications as set out in Judicial Form No. 6 has again fallen off. This, we believe, is attributable to the same cause as that set out in paragraph 4 of last year's report, viz., the stricter method of receiving such applications This was not carried out till the middle of the year 1884. The figures for 1884 would, therefore, be much larger than those for 1885.

10. The number of applications for execution of decrees is steadily progressing, and the accompanying table shows the increase more clearly—

Applications.	1882.	1883.	1884.	1885.
Pending at the end of previous year	467	355	409	528
Decrees of this Court	14,186	14,448	16,032	16,847
Decrees transferred from other Courts ...	126	198	210	261
Total ...	14,779	15,001	16,651	17,636

Two years therefore give an increase of 2,635 of such applications for disposal. This is no light matter, and we are afraid it points to the fact that every year creditors experience greater difficulty in obtaining their money.

11. The net revenue of the Court amounted to Rs. 99,429, and this sum would probably have reached beyond a lakh of rupees had it not been that we have now ceased to charge fees on processes sent from other Courts to this Court for service (*vide* No. 831J—D, dated 28th May 1884, from the Under-Secretary to the Government of Bengal to the Chief Judge). In the year 1884, Rs 5,877 was so received.

12. The year has been remarkable for the extraordinary length of time occupied in the actual hearing of cases. Some cases in all the Courts (except the Registrar's) have lasted not merely two or three days, but days and days. In many instances we cannot but think the hearing would be shortened if more trouble was taken out of Court, more especially with regard to the bringing forward of the best evidence. The case of a plaintiff is often very difficult to prove, and requires great care. What frequently happens is that the plaintiff, after beginning his case, finds that he has not got the proper evidence, and endeavours to bridge over the deficiency by calling some witness who is not in a position to give the evidence required. The pleader for the plaintiff consequently resorts to various shifts, generally in the form of leading questions, to arrive at the necessary result; then follow constant objections on the part of the defendant's pleaders, and very often a wrangle between the two, and so time is wasted, for the Judge can do nothing more than decide the objections as they are made. In many such cases the plaintiff does not like to withdraw his suit, because it involves him in an immediate loss, or if

the period of limitation has run out bars his remedy entirely. In order more clearly to illustrate the length of time that suits last, we take leave to quote a portion of the judgment of the Third Judge (Mr. Jones) in one of the cases referred to, which was decided in October last:—

"The present suit has created for itself a history, brief reference to which will not be out of place. Instituted over two years ago, the first hearing was fixed for the 11th September 1883, when it was adjourned by consent to the 26th December. On the latter date it was referred to arbitration, and, on the 20th January 1884, the arbitrators sent in their award, by which the claim was decreed in full. On the 3rd February, an application was filed by the defendant to have the award set aside. The hearing of this application was, at defendant's instance, adjourned to 15th March, the defendant paying Rs. 15 to plaintiff. Again, on the 15th March, an adjournment was granted on defendant's application. On the 24th idem, the award was set aside, and the case was fixed for hearing on 27th May. On that date the case was again adjourned on defendant paying Rs. 15 to plaintiff to 9th July, on which latter date we find a postponement *ex-officio*, the first on the record. On the 27th August and two subsequent dates adjournments were again arranged by consent, also on the 2nd December, on which date the case first came on for hearing before me. On the 10th December, it was again adjourned, on this occasion for settlement The last arrangement having fallen through, on the 17th December the further hearing was adjourned *ex-officio* to the 7th January, on which date and on 23rd idem the plaintiff was examined. On the 16th February Mr. D. A. Cohen, then about to proceed to Rangoon, was examined, and on 9th March the further hearing was adjourned to the 18th, on payment by defendant of Rs. 44 as costs to the plaintiff. Again, on various dates adjournments were taken by consent. Meanwhile, the examination of the parties and their witnesses occupied seven prolonged hearings, and on the 7th July the case was further postponed seven weeks for the commission to Rangoon, and thus up to the 13th ultimo, when the hearing was concluded.

"If the record of this suit were to be taken as an example of the vicissitudes of litigation in this Court, it is needless to say that the Court would fulfil no longer the design of its institution. It is no exaggeration to say that the amount of judicial time expended on this case would have sufficed for the disposal of fifty ordinary contested cases. The example, such as it is, must be regarded as extraordinary. I have only to add that such examples are becoming by no means uncommon."

And as a further illustration, it may be mentioned that six suits heard together (evidence in one being evidence in the other) occupied the time of the Chief Judge seventeen whole days, the notes covering ninety-four pages of foolscap. Such things never happened before the year now under review.

13. The work of the Court was distributed in the same manner as last year.

14. In this report we have no desire to say anything further with regard to an Additional Judge, as the subject was again brought forward in Nos. 72 and 4 from this Court, dated, respectively, the 12th October 1885 and 19th January 1886.

We have the honour to be,

SIR,

Your most obedient servants,

H. MILLETT,
GIDEON C. SCONCE,
THOMAS JONES,
SREE NATH ROY,
} *Judges.*

JUDICIAL FORM No. 1.

Showing the general result of the disposal of Cases in the Court of Small Causes of Calcutta in the year 1885.

COURT OF SMALL CAUSES OF CALCUTTA.

2.	Number of suits pending on the 1st January 1885 ...	2,664
3.	Number of suits instituted during the year 1885 ...	31,002
	Number of suits disposed of during the year 1885—	
4.	Dismissed for default or want of prosecution ...	3,283
5.	Withdrawn with leave under section 373 of the Civil Procedure Code	743
6	Compromised	10,796
	Without contest—	
7.	Decreed on confession	2,850
8.	Decreed *ex-parte*	7,423
9	Dismissed *ex-parte*	73
	With contest—	
10.	Judgment for plaintiff in whole or in part ...	3,577
11.	Judgment for defendant	1,048
	On reference to arbitration—	
12.	For plaintiff	426
13.	For defendant	154
14.	Total disposed of	30,373
15.	Pending at the end of the year	3,291
	Average duration of suits—	
16.	Contested, including cases referred to arbitration ...	127·1
17.	Uncontested	10·7

18. REMARKS.—There were two cases transferred to High Court before the final disposal. These two cases will account for the discrepancy in the addition of columns 2 and 3, and that of columns 14 and 15.

There were 675 miscellaneous applications, 510 claim suits, 151 ejectment suits, 111 commissions and 76 distrained cases instituted during the year, and 33 revivals The manner of their disposals have been shown by the High Court Annual Statement No. 4 (Civil), Part II, Miscellaneous Cases, in columns 10 to 20, leaving a balance of 167 pending at the end of the year.

COURT OF SMALL CAUSES OF CALCUTTA,
The 20th February 1886.

R. K. SEN,
Registrar.

JUDICIAL FORM No. 2.

Showing the Number and Description of Suits pending and instituted in the Court of Small Causes of Calcutta in the year 1885.

1		2	3	4	5
NATURE OF CLAIM.		NUMBER OF SUITS			REMARKS.
		Pending on the 1st January 1885.	Instituted during the year 1885.	Total	
Money due on contract	On written promise for sum certain ...	382	6,024	6,406	
	On unwritten promise for sum certain ...	743	6,866	7,609	
	On account stated	141	1,491	1,632	
	On balance of account, partnership, or otherwise	....	232	232	
	Money paid or received	87	813	900	
	For goods sold and delivered	877	10,890	11,767	
Rent not falling under the Rent Law		201	3,427	3,628	
Damages...	For injuries to person	15	79	94	
	For injuries to property	50	368	418	
	For other injuries not included in the above	37	55	92	
	For breach of contract not included in the above	93	202	295	
Title and other suits ..	For recovery of possession of immovable property under Chapter VII of the Presidency Small Cause Courts Act ...	10	151	161	
	Suits under the Summary Procedure, Chapter XXXIX of the Civil Procedure Code	.....	.....	.....	
	Other suits not falling under any of the previous heads	38	197	235	
	Application under section 278 of the Code of Civil Procedure	24	510	534	
	Other applications	.....	8,633	8,633	
	Total ...	2,698	39,938	42,636	

COURT OF SMALL CAUSES OF CALCUTTA,
The 20th February 1886.

R. K SEN,
Registrar.

JUDICIAL FORM No. 3.

Showing the Value of Suits instituted in the Court of Small Causes of. Calcutta in the year 1885 *together with Fees and Costs received in Stamps.*

1	2	3				4			5
INSTITUTIONS.	Number.	Total value.				Fees and costs received in stamps.			REMARKS.
		Rs.	A.	P.	G.	Rs.	A.	P.	
Suits not exceeding Rs. 5 ...	4,721	15,072	6	10	0	2,423	14	0	This statement does not include revived suits, or miscellaneous cases, or any fees and costs received in respect of the same.
Ditto „ 10 ...	5,312	40,021	4	0	17½	5,745	3	0	
Ditto „ 20 ...	6,422	94,068	7	7	8	13,749	6	0	
Ditto „ 50 ...	6,853	2,21,344	15	11	0	31,845	6	1	
Ditto „ 100 ...	3,142	2,22,739	14	11½	1½	32,101	3	0	
Ditto „ 500 ...	3,360	7,20,087	15	2	0	97,412	10	6	
Ditto „ 1,000 ...	501	3,51,256	12	9½	0	40,392	7	0	
Ditto „ 1,500 ...	208	2,54,661	1	5½	0	23,717	4	6	
Ditto „ 2,000 ...	109	1,88,955	1	1	0	16,005	1	6	
Suits in which an excess above Rs. 2,000 was abandoned ...	16	32,000	0	0	0	2,594	8	0	
Total ...	30,644	21,41,108	1	6	2	2,65,986	15	7	

COURT OF SMALL CAUSES OF CALCUTTA,
The 20th February 1886.

R. K. SEN,
Registrar.

JUDICIAL FORM No. 4.

Showing the disposal of Suits according to Value by each Judge of the Court of Small Causes of Calcutta during the year 1885.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	* 22
	JUDGMENT FOR PLAINTIFF.			JUDGMENT FOR DEFENDANT.								VALUE OF SUITS DISPOSED OF.									
BY	Contested.	Uncontested.	Total.	Contested.	Uncontested.	Total.	Settled by agreement.	Withdrawn with leave or dismissed under sections 97, 98 or 102 of the Code.	Other miscellaneous cases.	Grand total.	Number of days on which each Judge actually sat in Court.	Not exceeding Rs. 5.	Not exceeding Rs. 10.	Not exceeding Rs. 20.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 1,500.	Not exceeding Rs. 2,000.	Suits in which an excess value of Rs. 2,000 was abandoned.
												Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Chief Judge ...	94	265	359	30	...	30	224	144	50	707*	256	2	...	1	...	4	37	280	191	119	23
Second „ ...	843	2,470	3,313	251	15	266	2,516	933	313	7,062†	254	218	367	1,719	2,228	1,055	1,072	95	...	...	...
Third „ ...	1,176	2,321	3,497	162	17	179	2,436	1,048	317	7,141	280	242	442	1,648	2,314	1,029	1,086	63	...	...	...
Fourth „ ...	982	2,711	3,693	252	18	270	2,384	903	398	7,830	205	278	433	1,780	2,295	1,096	1,095	55	...	...	...
Registrar ...	908	2,506	3,414	507	23	530	3,226	1,003	251	9,462	203	3,868	3,986	1,332	...	...	...	...	...	...	...
Total ...	4,003	10,273	14,276	1,202	73	1,275	10,796	4,026	1,329	31,702	1,298	4,628	5,228	6,430	6,837	3,134	3,290	493	191	119	23

MEMORANDUM.

	Days.
The Court was closed on account of Sundays	53
Ditto ditto Christian holidays	11
Ditto ditto Hindu holidays	7
Ditto ditto Muhammadan holidays	4
Ditto ditto Vacation	23
Ditto ditto Other holidays	2
Total ...	99

* In addition to this number, the Chief Judge disposed of 127 suits and miscellaneous cases taken up from the other Judges. He also, sitting with the other Judges or Registrar, disposed of 148 applications for new trials. These cases, to save departmental inconvenience, are not included in the figures 707, but are distributed among the figures set down against the other Judges or Registrar.

† In addition to this number, the Second Judge sitting with the Chief Judge disposed of 13 applications for new trial. These cases, to save departmental inconvenience, are included in the figures set down against the Chief Judge.

COURT OF SMALL CAUSES OF CALCUTTA,
The 20th February 1886.

R. K. SEN,
Registrar.

JUDICIAL FORM No. 5.

Showing the Result of Proceedings on Applications for the execution of Decrees in the Court of Small Causes of Calcutta in the year 1885.

1.	Number of applications pending on the 1st January 1885 ...	528
File—		
2.	The decrees being those of the Court where execution is taken out	16,847
3.	The decrees being those of other Courts transferred for execution	261
4.	Total	17,636
Applications disposed of—		
5.	Transferred to another Court under section 223 ...	646
6.	Completely executed	5,595
7.	Partly executed	6,307
8.	Wholly infructuous	4,480
9.	Total	17,028
10.	Pending at end of year	608

		Rs.	A.	P.
Amount realised—				
11.	With the issue of process	2,42,265	7	7
12.	Without the issue of process	2,16,323	2	8

Number of applications on which—		
13.	The judgment-debtor was imprisoned ...	453
14	He was arrested under section 336, but released without imprisonment	449
15.	Property was sold	799
16.	Property was attached but released	1,614
17.	Possession was given of immovables	20

COURT OF SMALL CAUSES OF CALCUTTA, R. K. SEN,

The 20th February 1886. *Registrar.*

JUDICIAL FORM No. 6.

Showing the Statistics of the Distraint Department of the Court of Small Causes of Calcutta for the year 1885.

Number of applications—		
1.	Pending on the 1st January 1885	4
2.	Admitted	76
3.	Refused or withdrawn	27
4.	Total	107
Number of distresses—		
Compromised—		
5.	Before distress	7
6.	After distress	44
7.	Number of sales	21
8.	Distresses set side	3

		Rs.	A.	P.
10.	Amount of rent for which distresses were issued ...	20,218	4	6
11.	Amount realised by sale	13,292	7	0
12.	Amount levied and paid into Court	5,360	4	0
13.	Commission and fees realized	2 787	0	0
14.	REMARKS.—Pending at the end of the year		5	

COURT OF SMALL CAUSES OF CALCUTTA, R. K. SEN,

The 20th February 1886. *Registrar.*

JUDICIAL FORM No. 7.

Showing the Receipts and Charges of the Court of Small Causes of Calcutta for the year 1885.

	Rs.
Receipts—	
In Small Cause Court Stamps—	
1. Institution, summons and process fees	3,04,033
2. Other fees	391
In cash—	
3. Fines	44
4. Other receipts	3,853
5. Total	3,08,321
Charges—	
6. Salaries of Judges and Registrar—	
Chief Judge	26,226
Second "	17,546*
Third "	15,803*
Fourth "	(a)15,478*
Registrar	9,030
Total	84,078
Establishment—	
7. Serving officers and bailiffs	20,329
8. Others	57,008
9. Contingencies	2,029
10. Refunds	45,448
11. Total	2,08,892
12. Excess of column 5 over column 11, being the amount credited to Government	99,429

* Includes acting allowances drawn severally during the absence, on privilege leave, of Mr. H. Millet, Chief Judge, from 19th August to 18th November 1885.

(a) —Includes Rs. 1,698, being deputation allowance drawn by Mr. Acworth, Officiating Fourth Judge, during ditto.

N B.—Fractions of a rupee omitted.

COURT OF SMALL CAUSES OF CALCUTTA,
The 20th February 1886.

R. K. SEN,
Registrar.

JUDICIAL FORM No. 7A.

Statement of Indigent Debtors relieved from the Charity Fund of the Court of Small Causes of Calcutta for the year 1885 (vide *Government letter No.* 870 *T, dated* 1st *October* 1863).

Date and month.		Names of parties relieved.	Amount. Rs.	A.	P.
January 1885 ...	27th ...	Mrs. Power (by order of the Chief Judge)	28	1	0
February " ...	2nd ...	A. G. Nyss (by order of the Chief Judge)	21	14	3
" "	9th ...	Mrs. Twedale (by order of the Second Judge)	10	4	0
April " ...	14th ...	Chas. Marranda (by order of the Chief Judge)	25	2	0
July " ...	10th ...	Drops Moye Bewah (by order of the Chief Judge)	10	5	0
" " ...	29th ...	Mrs. Miller (by order of the Chief Judge)	4	8	0
August " ...	10th ...	Mrs. C. M. Ford (by order of the Chief Judge)	5	12	0
" " ...	24th ...	Mr. Michael (by order of the Officiating Chief Judge) ...	5	9	0
December " ...	10th ...	E. Bell (by order of the Chief Judge)	3	15	6
" " ...	10th ...	E. Bell (by order of the Chief Judge)	7	7	6
" " ...	21st ...	S. J. Crook (by order of the Chief Judge)	27	8	0
		Total ...	150	6	3

	Rs.	A.	P.
Balance of Charity Fund on the 31st December 1884	222	1	2
Receipts of the fund during the year, *i.e.*, interest on the Government promissory notes 244 0 0			
Contributions 9 4 0	253	4	0
Total ...	475	5	2
Payments out of the fund as above	150	6	3
Balance on 31st December 1885	324	14	11

COURT OF SMALL CAUSES OF CALCUTTA,
The 20th February 1886.

R. K. SEN,
Registrar.

No. 7, dated Calcutta, the 25th January 1886.

From—The Judges, Court of Small Causes of Calcutta,

To—The Registrar of the High Court of Judicature at Fort William in Bengal Appellate Jurisdiction.

WE have the honour to submit to the Hon'ble Judges of the High Court the business of this Court for the year 1885.

2. There is a slight decrease of 430 in the number of suits instituted. But this decrease ought really to be lessened by 151, being the number of applications instituted under Chapter VII of the Presidency Small Cause Courts Act, 1882. These applications were, in the year 1884, registered as regular suits. This year they have, in accordance with the order of the High Court, been registered as miscellaneous cases. The following comparative table shows the decrease more definitely:—

VALUE OF SUITS	1884.	1885.	Increase.	Decrease.
Up to Rs. 10	10,411	10,033	.....	378
„ „ 50	13,159	13,275	116	.....
„ „ 100	3,177	3,142	.....	35
„ „ 500	3,402	3,360	.....	42
„ „ 1,000	546	501	.....	45
Over „ 1,000	379	333	.....	46
Total ...	31,074	30,644	116	546
		Deduct increase ...		116
				430

3. The cases were disposed of as follow:—

Pending in 1884	2,664
Instituted in 1885 (including revivals)	31,002
	33,666
Decreed in favour of plaintiff after contest	4,003
„ „ without contest ..	10,273
Dismissed after trial	1,202
Withdrawn with leave	743
Compromised	10,796
Dismissed for default or want of prosecution ...	3,283
Dismissed uncontested	73
Transfers	2
Pending at the close of the year	3,291
	33,666

4. The decrease in the number of suits is so slight that it calls for no particular remark.

5. We have to explain the figures in columns 10 and 11 of Annual Statement 4. In 1884 "plaints rejected" amounted to 2,182, and "suits dismissed for default or want of prosecution" amounted to 813. In 1885, the corresponding figures are 75 and 3,208. It was ascertained that in 1884 the figures referred to were made up on a wrong basis. Those in 1885 are correct.

6. Attention must be drawn to Annual Statement 4 (Miscellaneous Cases). In 1884 this return included only claims under section 278 of the Code of Civil Procedure and commissions. In 1885 it includes all the cases directed to be classed as miscellaneous by paragraph 19 of circular order of the High Court (Civil), No. 29, dated the 21st August 1879, the provisions of the Presidency Small Cause Courts Act being applied, *mutatis mutandis*, to certain portions of that order, as applications for new trial under section 37 of the Presidency Small Cause Courts Act are registered in the place of applications for review of judgment under section 623 of the Code of Civil Procedure. This will account for the increase of 697 of such cases instituted in 1885 over and above those instituted in 1884, and also for the discrepancy in the total of column 8 and the totals of columns 21 and 22.

7. The amount credited to Government was Rs. 99,429 as against Rs. 1,12,576 last year.

8. Four thousand six hundred and sixty-eight processes were received from the mofussil courts, and of these 3,318 were served.

9. One thousand five hundred and forty-three applications for leave to sue were presented under section 18 of the Presidency Small Cause Courts Act, as against 1,295 last year. Of these, 1,391 were allowed, and 152 refused.

10. The Library and Court House are in good order, and we have little to add to what is stated in paragraph 10 of last year's report, but would be glad to know whether anything has been done to carry out the suggestions made in that paragraph, or whether the Hon'ble Judges of the High Court disapprove of them. Should the Government think fit to appoint an Additional Judge to the Court either as a permanent or temporary measure, the room now used partly as library and partly as a record-room will have to be utilised as a court-room, and there will be no room for the yearly increasing records. Under any circumstances, should no further action be taken in the matter of destruction of old records, some considerable expense will have to be incurred in respect of accommodation for the same.

ANNUAL STATEMENT 1 (CIVIL).

FOR THE DISTRICT JUDGESHIP OF THE COURT OF SMALL CAUSES OF CALCUTTA FOR THE YEAR 1885.

PART I.—*List of Judicial Divisions with Area and Population.*

1.	Name of District Judgeship	Court of Small Causes of Calcutta.
2.	Name of Collectorate	Presidency.
3.	Names of Moonsifees	None.
4.	Area in square miles	Eight.
5.	Population	433,219.

PART II.—*Return showing the total number of Judicial and Revenue Officers exercising jurisdiction in Civil and Revenue Cases at the close of the year, their class, and powers. Also the number of working days that officers of each class, employed in the district during any part of the year, were engaged in each department.*

CIVIL COURTS.

(DISTRICT CALCUTTA.)

SMALL CAUSE COURT JUDGES.

2. Exercising civil powers only	4
Total number of working days employed—	
6. On civil work	266

Grades of Judicial officers.		European.	Native.	REMARKS.
Officers exercising original jurisdiction only ..	Small Cause Court Judges.	3	1	A Registrar exercises Judicial powers in suits up to the value of Rs 20, and *quasi*-judicial powers in other matters.

COURT OF SMALL CAUSES OF CALCUTTA,
The 25th January 1886.

R K. SEN.
Registrar.

PART III.—*Statement showing the Receipts and Charges of the several grades of Civil Courts and the proportion of the salary of Judicial Officers debitable to Civil Justice.*

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

	Rs.
Receipts—	
In court-fee stamps—	
2. Process fees	3,04,033
3. Other fees	391
In cash or special stamps—	
4. Fines	44
5*a*. Other receipts credited to Government	3,853
6. Total	3,08,321
Charges—	
Salaries of Judicial Officers—	
7. Gross	84,078
8. Share debitable to Civil Justice...	84,078
Establishment—	
9. Process-servers	20,329
10*a*. Others	57,008
Contingencies—	
11*a*. Other contingencies	2,029
12. Refunds	45,448
13. Total of columns 8 to 12	2,08,892

14. REMARKS—Rupees 99,429 credited to Government.

COURT OF SMALL CAUSES OF CALCUTTA,
The 25th January 1886.

R. K. SEN,
Registrar.

ANNUAL STATEMENT 2 (CIVIL).

Statement showing the Number and Description of Civil Suits instituted in the Civil and Revenue Courts in the Court of Small Causes of Calcutta in the year 1885.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

Suits for money or movable property—	
2. Contract in writing	6,024
3. Contract not in writing	2,638
4. On account stated	1,723
5. Money had and received	813
6. Goods sold	10,890
7. Wages, work, and materials	4,228
8. Rent not falling under the rent law	3,427
9. Movable property or value thereof	368
10. Damages	336
11. Other suits for money or movables not already mentioned...	197
12. Total	30,644

COURT OF SMALL CAUSES OF CALCUTTA,
The 25th January 1886.

R. K. SEN,
Registrar.

ANNUAL STATEMENT 3 (CIVIL).

Statement showing number and value of suits instituted in the Civil and Revenue Courts in the Court of Small Causes of Calcutta in the year 1885.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

Number of suits instituted in the different Courts—		
Value not exceeding Rs 10—		
2. Suits for money or movables		10,033
Value not exceeding Rs. 50—		
5 Suits for money or movables		13,275
Value not exceeding Rs 100—		
8. Suits for money or movables		3,142
Value not exceeding Rs. 500—		
11. Suits for money or movables		3,360
14. Value not exceeding Rs 1,000		501
15. Value not exceeding Rs. 5,000		333
20. Total		30,644
	Rs. A. P. G.	
21. Total value of suits	21,41,108 1 6 2	

COURT OF SMALL CAUSES OF CALCUTTA,
The 25th January 1886.

R. K. SEN.
Registrar

ANNUAL STATEMENT 4 (CIVIL).

PART I.—CIVIL SUITS.—*Statement showing the General Result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Court of Small Causes of Calcutta in the year* 1885.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA

Number of suits before the Courts—	
2. Pending from last year	2,664
3. Instituted in 1885	30,644
7. Revived under sections 99, 103, 108 or 371	358
8. Total for disposal	33,666
Number of suits disposed of—	
9. Transferred to other Courts	2
Without trial—	
10. Plaint rejected or returned	75
11. Dismissed for default or want of prosecution ...	3,208
12. Withdrawn with leave	743
Without contest—	
13. Compromised	10,796
14. Decreed on confession	2,850
15. Decreed *ex-parte*	7,423
16. Dismissed *ex-parte*	73
On reference to arbitration—	
17. For plaintiff	426
18. For defendant	154
With contest—	
19. Judgment for plaintiff in whole or part	3,577
20. Judgment for defendant	1,048
21. Total disposed of, omitting transfers	30,373
22. Pending at close of year	3,291
23. Number of cases pending more than three months at the close of the year	1,076
Average duration of suit—	
Contested—	
24. Number of cases (columns 17 to 20)	5,205
25. Aggregate number of days occupied in trial	661,902
26 Average number of days	127·1
Uncontested—	
27. Number of cases (columns 10 to 16)	25,168
28. Aggregate number of days occupied in trial	270,879
29. Average number of days	10·7
30. REMARKS.—The number of days the Court sat is ...	266

COURT OF SMALL CAUSES OF CALCUTTA,
The 25th January 1886.

R. K. SEN,
Registrar.

ANNUAL STATEMENT 4 (CIVIL).

PART II.—MISCELLANEOUS CASES (JUDICIAL).—*Statement showing the general result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Court of Small Causes of Calcutta in the year* 1885.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT.

2. Suits remaining from last year	47
3. Instituted in 1885	1,519
Received otherwise—	
7. Revived under sections 99, 103, 108	19
8. Total for disposal	1,585
Disposed of—	
Without trial—	
10. Applications rejected or returned	24
11. Dismissed for default or want of prosecution	232
12. Withdrawn with leave	16
Without contest—	
13. Compromised	109
14. Decreed on confession	144
15. Decreed *ex-parte*	93
16. Dismissed *ex-parte*	25
On reference to arbitration—	
17. For plaintiff	11
18. For defendant	3
With contest—	
19. Judgment for plaintiff in whole or part	497
20. Judgment for defendant	359
21. Total of columns 10 to 20, *i.e.*, disposed of, omitting transfers	1,513
22. Pending at close of year	167
23. Number of cases pending more that three months at the close of the year	8
Average duration of cases in column 21—	
24. Aggregate number of days occupied in trial	42,559
25 Average number of days	28·12

COURT OF SMALL CAUSES OF CALCUTTA,

The 25th January 1886.

R. K. SEN,

Registrar.

ANNUAL STATEMENT 6 (CIVIL).

Statement showing the result of proceedings on Applications for the execution of the decrees of the Civil and Revenue Courts in the Court of Small Causes of Calcutta in the year 1885.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURTS.

Number of applications dealt with—				
2.	Pending at the end of 1884		528	
Filed—				
3.	The decrees being those of the Court where execution is taken out		16,847	
4.	The decrees being those of other Courts transferred for execution		261	
6.	Total		17,636	
Applications disposed of—				
Transferred—				
7.	To another Court under section 223		646	
9.	Wholly or partly satisfied		11,902	
10.	Wholly infructuous		4,480	
11.	Total		17,028	
12.	Pending at the end of 1885		608	
Details of entries in column 9—				
14.	Satisfaction obtained in full		5,595	
15.	Satisfaction obtained in part		6,307	
16.	Satisfaction obtained through the Court		10,103	
17.	Adjusted under section 258		1,799	
18.	Satisfaction obtained with the issue of process ...		5,219	
19.	Satisfaction obtained without the issue of process ...		6,683	
Amount realized—				
20.	With the issue of process	Rs.	2,42,265	7 7
21.	Without the issue of process	„	2,16,323	2 8
Number of applications—				
22.	On which the judgment-debtor was imprisoned ...		453	
23.	On which he was arrested under section 336, but released without imprisonment		449	
On which his movable property—				
24.	Was sold		799	
25.	Was attached, but subsequently released under section 275		1,614	
On which possession was given—				
31.	Of immovables, sections 263 and 264		20	
34.	REMARKS—			

Details of column 4.

North-Western Provinces	7
Central Provinces	1
Punjab	4
Bombay	1
	13

Details of column 7.

North-Western Provinces	53
Central Provinces	1
Punjab	21
Bombay	5
Madras	6
Rangoon	8
Total ...	94

COURT OF SMALL CAUSES OF CALCUTTA,
The 25th January 1886.

R. K. SEN,
Registrar.

W. LeB.—Reg. No. 4297C—240—17-7-86.

RESOLUTION.

JUDICIAL

Calcutta, the 14th July 1886.

READ—

The Report of the Judges of the Court of Small Causes, Calcutta, for the year 1885.

Read also—

The Report for the year 1884, and the orders of Government thereon.

The following statement shows the number of suits which came before the Court, and the manner in which they were disposed of, during 1885 and the two preceding years:—

	1885	1884.	1883.
Pending from the previous year	2 664	1 801	1,557
Instituted during the year	30,644	31,074	26,027
Revived during the year under sections 99, 103, 108 or 372, Code of Civil Procedure ...	358	... .	...
Total ...	33,666	32,875	27,584
Decreed in favour of plaintiff after contest . .	4,003	4,076	3,859
Ditto ditto without contest	10,273	9,450	7 478
Dismissed after trial	1,202	1,312	1,352
Non-suited or withdrawn	7 13	816	920
Compromised	10,796	11,492	9,599
Dismissed for default of plaintiff	3,283	2,995	2,514
Ditto uncontested	73	70	61
Pending at the close of the year .	3 291	2 664	1,801
Total .	33,664	32,875	27,584

The discrepancy of two cases between the total number for disposal in 1885 and the number disposed of during, and left pending at the close of, that year is due to the transfer of two cases to the High Court before final disposal.

2. The number of suits instituted and revived during 1885 was less by 72 than the number instituted in the preceding year, but exceeded by 4,975 the number instituted in 1883, and by 1,449 the institutions in 1882. The institutions are still 3,106 fewer than in 1881, the last complete year during which the former Act was in force; but, as was explained by the Judges in their Report for 1884, although, as regards suits alone, the numbers are not so great as they were prior to the extension of the Court's jurisdiction by the passing of Act XV of 1882, yet the work of the Court has actually been largely increased in consequence of the alteration of procedure, whilst the new procedure has given rise to a variety of miscellanous applications that did not before exist, and the disposal of which occupies much of the time of the Judges.

3. In their present report, the Judges show in detail the miscellaneous cases which came before the Court, many of which, they state, have all the attributes of, and take as long to try as, regular suits; and not only is this so, but the proportion contested is generally, it is said, higher than in the case of regular suits. Thus, during the past year, out of 33,666 regular suits set down for disposal, only about one-sixth were disposed of after contest, whilst of 1,603 miscellaneous cases the number similarly disposed of was no less than 771, or nearly half the total number. The number of claim suits instituted under section 278 of the Code of Civil Procedure increased from 485 to 510. The number of such claims in 1883 was 323 only, and on a previous occasion the Judges have remarked that they form the most troublesome class of litigation with which they have to deal, the large majority of such claims being defended. There was a decrease in the number of distraint applications, while the number of applications for execution of decrees has increased gradually from 14,779 in

1882 to 17,636 during the past year. The Judges remark that they are afraid that the increase points to the fact that every year adds to the difficulty which creditors experience in obtaining their money. This subject has been before the Lieutenant-Governor in connection with a decrease in the amounts realised in suits brought by Government. It was the opinion of certain officers—an opinion in which the Lieutenant-Governor feels inclined to agree—that Civil Courts might do much to lessen the existing difficulties by more frequently sanctioning or instituting prosecutions under sections 183, 186 and 206 of the Penal Code. There can be no doubt that such offences are of frequent occurrence, whereas prosecutions of the offenders are exceedingly rare.

4. There was a decrease in every description of suit instituted during 1885 as compared with the institutions in the previous year, except in suits not exceeding Rs. 50 in value, which rose from 6,692 to 6,853, or an increase of 161 suits. The largest decreases were 278 in suits not exceeding Rs. 10, and 100 in suits not exceeding Rs. 5 in value.

5. The Court sat for 266 days, as against 265 days in 1884. There were 3,291 cases pending at the close of the year, as compared with 2,664 cases pending at the close of 1884. The total value of the suits instituted was Rs. 21,41,108, against Rs. 22,47,817 in the preceding year. The amount realised on applications for execution of decrees with the issue of process fell from Rs. 2,46,451 in 1884 to Rs. 2,42,265, and without the issue of process from Rs. 2,29,160 to Rs. 2,16,323. In 453 cases the judgment-debtor was imprisoned and in 449 cases he was arrested, but released without imprisonment.

6. The total receipts of the Court fell from Rs. 3,24,516 in 1884 to Rs. 3,08,321 in the year under review, and the total charges from Rs. 2,11,940 to Rs. 2,08,892, the net amount credited to Government being Rs. 99,429 against Rs. 1,12,576 in 1884. The Judges state that the net revenue would probably have exceeded a lakh of rupees, had not the practice of charging fees on processes sent from other Courts to Calcutta for service been abandoned under the orders of Government, the sum so received in 1884 having amounted to Rs. 5,877.

7. In the Resolution on the Report for 1884, Sir Rivers Thompson remarked that some case had been made out for an enlargement of the Court; it was not, however, considered advisable at that time to make any proposals to the Government of India involving increased expenditure, and the Judges were accordingly requested to resubmit the case in a special report. It was shown in the report for 1884 that the work devolving on the Court was more than the existing staff of Judges could dispose of without leaving heavy arrears, and this is made still clearer by the figures now given, the number of pending suits having risen steadily year by year from 1,288 in 1880 to 2,664 in 1884 and to 3,291 in the year under review. From the special report submitted it appeared that the number of suits pending at the end of September 1885 had reached the large total of 3,368 (of which it was estimated that nearly 2,000 would be contested), and as additional assistance was clearly necessary, if the speedy disposal of cases, the chief object of a Court of Small Causes, was to be secured, the Lieutenant-Governor strongly recommended the appointment of a Fifth Judge for a period of six months, and this proposal has been forwarded by the Government of India to the Secretary of State. This temporary assistance should suffice for the clearance of the arrears. At the same time he feels bound to record his opinion that, unless some steps are taken by the Judges themselves to reduce the increasing average duration of contested cases, renewed applications for an increase to the judicial staff of the Court may be expected from time to time. It is no doubt the fact, as stated by the Judges, that the "year has been remarkable for the extraordinary length of time occupied in the actual hearing" of contested cases, the average duration reaching the great length of 127·1 days. This is certainly a very unnecessarily large average, but even in the preceding year the average (114·4 days) was far in excess of what it should have been. Such delays are incompatible with the object of a Small Cause Court, and some action is called for in connection with the subject. To some extent the Judges have a remedy in their own hands.

ORDER—Ordered that a copy of the above Resolution be communicated to the Judges of the Court of Small Causes, Calcutta, for their information.

By order of the Lieutenant-Governor of Bengal,

W. DUNBAR BLYTH,

Offg. Chief Secretary to the Govt. of Bengal.

No. 2114J.

COPY forwarded to the Chief Judge of the Court of Small Causes, Calcutta, for information.

By order of the Lieutenant-Governor of Bengal

H. A. D. PHILLIPS,

Offg. Under Secretary to the Govt. of Bengal.

CALCUTTA,
The 14th July 1886.

W. LeB.—Reg. No. 3973C—294—16 7-86.